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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

Before

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION NO.12546/98

Sri Eranna,  
s/o M.Byranna,  
major,  
r/at Kolathnur Post,  
Kasaba Hobli,  
Hoskote Taluk.

*sub*  
Petitioner

(By Sri Viswanath, Advocate for Sri  
T.R.Narayan Rao)

-VS-

1. The State of Karnataka,  
by its Chief Secretary,  
Vidhana Soudha,  
Bangalore-1.
2. The Assistant Commissioner,  
Doddaballapura Sub-Division,  
T.V.Tower Building,  
Dr.B.R.Ambedkar Road,  
Bangalore-1.
3. The Tahsildar,  
Hoskote Taluk,  
Hoskote.
4. The Revenue Inspector,  
Kasaba Hobli,  
Hoskote Taluk,  
Hoskote.

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5. The Village Accountant,  
Kolathur Circle,  
Kolathur, Hoskote Taluk.

6. Sri Shamanna,  
s/o Gara Byrappa,  
major, r/at Kolathur  
village, Kasaba Hobli,  
Hosakote Taluk.

Respondents

(By Sri N.P.Singri, HCGP for R-1 to R-5)

This writ petition is filed u/a 226 and  
227 of the Constitution of India praying to  
quash Vide Ann.H dated 16.1.1998 by R-2.

This writ petition coming on for pre-  
liminary hearing this day, the Court made the  
following :-

O R D E R

Sri N.P.Singri, learned Government Pleader  
is directed to take notice to Respondents-1 to  
5.

✓ ✓  
who

2. In this petition, the petitioner/claims  
to be the owner of the land in question has  
challenged the order dated 16th January, 1998,  
a copy of which has been produced as Annexure-H,



passed by the 2nd respondent, setting aside the entry made in M.R.No.64/95-96, dated 28th March, 1996, a copy of which has been produced as Annexure-G, passed by the 3rd respondent entering the name of the petitioner.

3. Sri Viswanath, learned counsel for the petitioner made several submissions on the merits of the case.

4. I do not think it is appropriate for me in this petition in going in-to the correctness of the submissions made by the learned counsel for the petitioner, in view of the fact that the parties are already before the Civil Judge, Junior Division agitating their rights in respect of the land in question. It is not in dispute that the Civil Court has granted an order of temporary injunction against the petitioner and the said order has been questioned by the petitioner in Miscellaneous First Appeal before the Civil

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Judge, Senior Division. Under these circumstances, in my view, the ends of justice will be met, if this petition is dismissed with the observation that since the entries in the revenue records are seriously disputed by the parties, the Civil Court will consider the respective case of the parties without being influenced by the entries in the revenue records and without being influenced by the observation made in the order impugned in this petition, passed by the 2nd respondent, one way or the other.

5. Accordingly, in the light of the discussion made above and the observation made above, this petition is dismissed with liberty reserved to the parties to agitate their respective rights before the Civil Court.

6. Sri Singri, learned Government Pleader is given four weeks time to file his memo of appearance.



Sd/-  
JUDGE